

**BUILDING BETTER COMMUNITIES
GENERAL OBLIGATION BOND PROGRAM
ADMINISTRATIVE RULES
SPECIFIED PROJECT ALLOCATIONS**

SECTION 1. BACKGROUND

These administrative rules govern the implementation of the Building Better Communities General Obligation Bond Program as established by Ordinance No. 05-47 (the "Ordinance").

SECTION 2. SCOPE

These administrative rules have been prepared to address the allocation and acquisition of funds for the programs identified in the Building Better Communities General Obligation Bond Program. This Program, in addition to other projects, provides four (4) Funding Allocation categories defined as Historical Preservation Fund, Economic Development Fund, Not-for-Profit Community Organization Capital Fund, and Primary Health Care Facilities Fund.

SECTION 3. GENERAL

Miami-Dade County administers all programs established under the Ordinance.

All funding recipients for covered projects are required to follow these administrative rules. Failure to do so may lead to disqualification.

Additional administrative rules and/or application materials may be obtained by contacting the County Manager's Office. All inquiries, correspondence and Applications for Funding Allocations should be addressed to:

Miami-Dade County
County Manager's Office
111 NW 1 Street
Suite 2910
Miami, Florida 33128
Attention: Roger T. Hernstadt

or to a Department or agency of Miami-Dade County, serving as the County Manager's Designated Representative.

SECTION 4. DEFINITIONS

The following is a list of terms and definitions that are used in these administrative rules:

“Acquisition” means the act of obtaining real property or interests and rights in real property by various legal means to serve public purposes.

“Administrative Costs” means real and verifiable expenditures for administration, project management (not related to construction supervision), indirect costs (accounting/purchasing/personnel, etc.), and imposed fees (e.g., permit processing fees) also categorized as Soft Costs.

“Applicant” means a Public Agency, Not-for-Profit Organization or other entity, which submits an application for Building Better Communities General Obligation Bond funds during an announced Application Submission Period.

"Application" means the process described in these rules to make a formal request for Funding Allocation that commences upon submission by an eligible party of a Funding Application package and ends upon the execution of a Funding Agreement or a decision not to fund.

"Application Submission Period" means the formally announced period of time for the submission of applications in a given Funding Cycle.

“Board of County Commissioners” or **“Board”** means the legislative and the governing body of the county and shall have the power to carry on a central metropolitan government herein referred to as the Board.

“Community-Based Organization (CBO)” shall refer to any Not-for-Profit 501(c)(3) agency, group, organization, society, association, partnership or individual whose primary purpose is to provide a community service designed to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain individuals within this community who have special needs.

"County" means Miami-Dade County, Florida.

“County Manager” or **“Manager”** means the head of the administrative branch of the County government or his/her designated representative.

"Development" means the act of physically improving an area, facility, resource or site to increase its ability or capacity to serve the public.

“Fixtures, Furniture and Equipment (FF&E)” means 1) Fixtures - items that are permanently affixed to the building or property, i.e., doors, bathroom stalls, A/C units, etc.; 2) Furniture - indoor furnishings needed to allow proper use of a building, i.e., desks, chairs, tables, workstations, etc.; and 3) Equipment - non-consumable tangible property with a life of at least one year that is directly related to the funded project, such as bleachers for courts, audio/visual equipment for community rooms, computers for computer labs, portable basketball goals for gymnasiums, etc.

"Funding Agreement" means an executed contract between the County and an Applicant setting forth-mutual obligations regarding a Funding Allocation.

"Funding Allocation" means Building Better Communities General Obligation Bond funds approved for use by an Applicant for implementation of a Project pursuant to these rules.

"Funding Application Form" means the base document prepared by the Applicant summarizing the funding request on a form provided by the County Manager's Office. This document will be submitted with the Funding Application package.

"Funding Application package" means the complete submittal package required for funding consideration the submission of which commences the Funding Allocation process. (See Section 6)

"Funding Cycle" means the time between the opening of an Application Submission Period and execution of a Funding Agreement by the County.

"Grant Agreement" means an executed grant between the County and an Applicant setting forth mutual obligations regarding a Funding Grant.

"Match" means cash committed by the Applicant, as stipulated in the approved Funding Agreement, to complement funding awarded from the Building Better Communities General Obligation Bond Program.

"Municipality" means a political unit, such as a city, town, or village, incorporated for local self-government within the confines of Miami-Dade County. Municipalities or related entities are subject to the same administrative rules as any other applicant or recipient mentioned herein.

"Ordinance" means the Building Better Communities General Obligation Bond Ordinance No. 05-47.

"Pre-agreement Expenses" means eligible expenses identified in Section 6(B) of these rules incurred by a Recipient for accomplishment of a Project prior to full execution of a Funding Agreement. Pre-agreement Expenses are limited to one (1) year prior to the application date of subsequent bond sales, unless previously approved by the Board.

"Project" means work that is the subject of a Funding Application.

"Public Agency or Public Agencies" means an agency or agencies or administrative division or divisions of the United States government, the State of Florida, the County, or any municipality within the County.

"Recipient" means an entity receiving a Funding Allocation.

"Soft Costs" means those costs NOT related to construction material, labor, equipment or construction sub-contractors. Soft Costs for the purpose of this Program are classified by the following three areas:

- Project Administration - administration, project management (not related to construction supervision), indirect costs (accounting/purchasing/personnel, etc.), imposed fees (e.g.,

Professional Services Agreement selection/permit processing fees)

- Planning Services - Master Plan development and approval, feasibility studies
- Design Services - schematic design, design development, construction documents, bidding or negotiation, as built drawings

"UMSA" means Unincorporated Municipal Service Area of the County, for which the County provides municipal services. Projects occurring within areas defined as UMSA are subject to the same administrative rules as any other project seeking Building Better Communities General Obligation Bond funding, regardless of the entity involved in the project.

SECTION 5. FUNDING CYCLES; APPLICATION SUBMISSION PERIODS

A Funding Cycle shall be established by the Board on a periodic basis related to the sale of bonds, provided there are Building Better Communities General Obligation Bonds remaining to be sold. Each Project determined by the Board to be eligible, may be funded during one or more Funding Cycles.

Each Building Better Communities General Obligation Bond Project is funded through a Funding Allocation. Eligible entities must apply for these Funding Allocations. Eligible entities existing on/or before July 20, 2004, the date the General Obligation Bond Resolutions were approved by the Board, will receive priority consideration for project approval and allocation. Funding Agreements between the County and approved Applicants implement the Funding Allocations.

The Funding Application package shall be delivered on or before the last day of the announced Application Submission Period. The County shall publicize each Application Submission Period and other pertinent application information at least one (1) month prior to the deadline for submission of the Funding Application package, unless otherwise waived by the Board. The County may announce an additional Application Submission Period if funds remain or become available after the preceding Application Submission period is complete. Each Application Submission Period shall be publicly announced in newspapers of general circulation in the County at least one (1) month prior to the deadline for submission of the Funding Application package, unless otherwise waived by the Board.

SECTION 6. FUNDING APPLICATION

Complete Funding Application. An Applicant must submit a complete Funding Application in order to receive an award. A complete Funding Application means one that meets all the requirements of the Ordinance and these rules and is supported by proper documentation. Proper documentation includes all documentation reasonably required by the Board or the County to enable determination of Project costs and compliance with the Ordinance. The Funding Application package shall consist of:

- 1) Completed Funding Application Form.

- 2) Completed Line Item Budget. The line item budget must be submitted with budget justifications for the Construction and Fixture, **Furniture and Equipment** line items. The justification should provide detailed descriptions of the project elements. Reimbursement for Fixture, Furniture & Equipment is contingent upon prior inclusion and approval of these expenses in the Funding Agreement. (See Section 9B-11).
- 3) Letter(s) of commitment for matching funds that complement the Funding Allocation request as may be required by the application.
- 4) Projected completion date for the Project.
- 5) Project location map.
- 6) For Development Projects, certification of ownership by the Applicant or evidence of land tenure sufficient to satisfy the Board that the project complies with the terms of the Ordinance.
- 7) An Applicant shall submit a resolution, which at a minimum: (i) authorizes the execution of the Funding Agreement; (ii) commits the Applicant to complete the Project; (iii) as applicable, commits the Applicant to provide operating, maintenance and programming funds upon completion of the Project, to the extent allowed by law; and (iv) provides that the Funding Allocation shall not be used in substitution of other capital project funding.
- 8) A Community Based Organization shall submit a board resolution which at a minimum: (i) authorizes the execution of the Funding Agreement; (ii) commits the organization to complete the Project; (iii) and as applicable, commits the organization to provide operating, maintenance and programming funds upon completion of the Project.
- 9) An Applicant may request funding for a major Project in phases. Each phase shall constitute a distinct portion of the proposed Project. Each Applicant requesting funding for a Project in phases shall commit to completing the Project as defined in the Funding Agreement unless otherwise modified by approval of the Board in accordance with these rules and the Ordinance.

B) **Pre-agreement Expenses.** The incurring of Pre-agreement Expenses creates no obligation on the County to execute a Funding Agreement or otherwise satisfy those expenses. However, prior to the effective date of the Funding Agreement, a recipient may incur eligible Pre-agreement Expenses as defined in Section 4, and then after the effective date of the Funding Agreement be reimbursed for those costs, provided that:

- 1) The costs and activities are funded as part of the Funding Allocation award and are in compliance with the requirements of the Ordinance and these rules.
- 2) The Pre-agreement Expenses for all subsequent Series (after Series 05) were incurred no earlier than one (1) year prior to the application date, unless previously approved by the Board.

SECTION 7. ELIGIBILITY REQUIREMENTS

A) Economic Development Fund

The Economic Development Fund (EDF) is a component of the Building Better Communities Bond Program and is available for the purpose of providing infrastructure improvements to spur economic development and attract new businesses to the community in order to create jobs. The EDF includes \$75 million that is available countywide and \$15 million that is specifically focused on the county's designated Targeted Urban Areas (TUAs). Eligible uses of the EDF include but are not limited to: infrastructure funding for road construction, water and sewer lines, fencing, sidewalks, entryways, lighting, and handicap accessibility; acquisition of land or buildings; and new construction of buildings; renovation of buildings. Ineligible uses of the EDF include but are not limited to: working capital; furniture and fixtures; office equipment; and other non-capital related expenses.

B) Historical Preservation, Primary Healthcare Facilities Fund, and Not-for-Profit Community Organization Capital Funds.

1) Program Objectives

The Historical Preservation, Primary Healthcare Facilities, and Not-for-Profit Community Organization Capital Funds are a component of the Building Better Communities General Obligation Bond initiative for the purpose of funding projects that support the County's historic preservation, primary healthcare, and community agency infrastructure needs. These are capital projects that improve the quality of life for the County's citizens, enhance medical facilities, rehabilitate historic properties, save irreplaceable historic venues, and serve as a catalyst for preserving and protecting Miami-Dade's future. Medical institutions, historically and culturally significant properties, and Community Organizations needing capital funds for construction, renovation, and expansion of facilities within the community that meet the criteria for the following programs may be eligible for assistance from these funds:

- a) Historic Preservation Fund
- b) Not-for-Profit Community Organization Capital Fund
- c) Primary Healthcare Facilities Fund

2) Program Descriptions and Criteria

a) Historic Preservation Fund

This program is intended to provide matching funds to private property owners, private nonprofit organizations, and municipal government agencies for the acquisition, relocation and rehabilitation of designated historic properties, properties eligible for designation as a historic property, or as a contributing historic district property, which has applied for such a designation within Miami-Dade County.

Eligibility Requirements:

Applicants:

- Active and duly registered Florida not-for-profit corporation 501(c)(3).
- Active and duly registered Florida for-profit corporation or recognized business entity.
- Municipal entity or agency based in Miami-Dade County.
- Owner of residential or commercial property located within Miami-Dade County.
- Individually listed as municipal, county, state or National Register of historic property located in Miami-Dade County.
- Contributing Property within a designated municipal, county, state or national historic district located in Miami-Dade County.
- Property determined eligible for listing as an individual historic site or as a contributing historic district property, and which has applied for such designation, in a municipal, county, state or National Register, and located within Miami-Dade County.

b) Not-for Profit Community Organization Capital Fund

The objective of this fund is to build and sustain the capability and capacity of the not-for-profit sector and support entities that enhance the quality of life of Miami-Dade County by delivering needed services. The \$30 million allocated to this fund recognizes the importance and continuing contributions that these organizations make to the future of Miami-Dade County.

Eligibility Requirements:

- Legally incorporated 501(c)(3) not-for-profit organization lacking access to government sources of capital funding.
- Demonstrable financial stability.
- Organization's mission is consistent with goals identified in the Miami-Dade County Strategic Plan.
- Demonstrate ownership of or intent to purchase a facility.
- Letter of Commitment confirming the resources necessary to accomplish the project.
- Architectural/engineering study and/or equipment specifications and professional cost estimate.
- Two (2) year management and budget plan for the facility.

c) Primary Healthcare Facilities Fund

The objective of this fund is to build and sustain the capability and capacity of the not-for-profit sector and support entities that enhance the quality of primary healthcare within Miami-Dade County by delivering needed services. The \$25 million allocated to this fund recognizes the importance and continuing contributions that these organizations, and the care that they provide, make to the future of Miami-Dade County.

Eligibility Requirements:

- Legally incorporated 501(c)(3) not-for-profit organization lacking access to government sources of capital funding.

- Demonstrable financial stability.
- Organization's mission is consistent with goals identified in the Miami-Dade County Strategic Plan.
- Demonstrate ownership of or intent to purchase a facility.
- Letter of Commitment confirming the resources necessary to accomplish the project.
- Architectural/engineering study and/or equipment specifications and professional cost estimate.
- Two (2) year management and budget plan for the facility.

SECTION 8. ELIGIBILITY DETERMINATION AND EVALUATION

Following closure of an Application Submission Period, the Manager will review each Funding Application for funding eligibility and evaluate the eligibility or ineligibility of each of its Funding Applications. The Manager may use entities such as those listed in Appendix A to assist him in the review and to create Project Review Committees. Any such entity shall adhere to public record protocols specified under Administrative Order No. 3-31. Funding allocations for eligible projects may be recommended to the County Manager by the Project Review Committee. In the case of the Economic Development Fund (EDF), the Project Review Committee will include, but not be limited to, representatives from the County's economic development and revitalization departments (e.g., Office of Community and Economic Development, Metro-Miami Action Plan Trust, Task Force on Urban Economic Revitalization), Miami-Dade Empowerment Trust, The Beacon Council, Coalition of Chambers of Commerce, the Greater Miami Chamber of Commerce, and the Dade League of Cities. The Manager and the Project Review Committee may determine that a Funding Application be classified as:

- A) **Ineligible.** Declaration that a Funding Application is ineligible.
- B) **Conditionally Eligible.** The Board may determine that a Project is eligible for funding upon satisfaction of specified conditions. In the event that conditional approval is given, Board staff shall verify that the conditions have been satisfied prior to disbursement of any bond funds.
- C) **Eligible.** Declaration that a Funding Application is fully eligible.

Funding Applications determined to be Eligible or Conditionally Eligible shall be reviewed and competitively evaluated to recommend bond funding allocations. A listing of all Funding Applications shall be reviewed by the GOB Sub-committee and presented to the Board by the County Manager in the form of a Resolution stating the eligibility determination, presenting the County Manager's funding recommendations based on the competitive evaluation and seeking approval for the disbursement of funds.

SECTION 9. FUNDING ALLOCATION ADMINISTRATION & REIMBURSEMENT POLICY

- A) As a condition of award of a Funding Allocation, the Building Better Communities General Obligation Bond Program and the Recipient shall enter into a Funding Agreement which sets forth the responsibilities and duties of each regarding administration of the approved Project and approved Funding Allocation. The Funding Agreement shall specify the Project's beginning

and end dates and shall incorporate such other terms and conditions as may be required by particular circumstances.

B) **Payment.** Recipients are paid allocated funds subject to the following conditions:

- 1) **Cost of Issuance of Bonds.** Not more than one percent (1%) of the value of each Funding Allocation award may be earmarked for all costs incidental to the preparation, issuance and administration of the Building Better Communities General Obligation Bond Program.
- 2) **Timing.** Project costs eligible for reimbursement shall be incurred between the effective date of, and the Project completion date identified in, the Funding Agreement with the exception of Pre-agreement Expenses.
- 3) **Soft Cost Limits.** Project Planning, Design and Administration, as defined in Section 4, are eligible Project soft costs provided that bond proceeds utilized to pay for such costs do not exceed seventeen percent (17%) of the total bond proceeds allocated to a given Project. This limitation may be waived by the Board. Where a major Project is funded in phases, this cost limit may not necessarily apply to each individual Project phase, but must apply to the total Funding Allocation for the Project.
- 4) Recipients will implement their own procurement process, however, they shall comply with all applicable Federal, State and local laws and regulations and may be subject to other County regulations and Administrative Orders directed by the Board. No Bid Waivers or Sole Source acquisitions shall be permitted unless they receive prior approval of the Board.
- 5) Recipients are responsible for managing the day-to-day operations of Funding Allocation supported activities. Recipients must monitor Funding Allocation supported activities to assure compliance with the Ordinance, these rules, the Funding Agreement, and all applicable Federal, State, and local requirements.
- 6) Payments to the Recipient may be withheld at any time that the Recipient fails to comply with the terms of the Funding Agreement. Funds withheld for failure to comply with the terms of the Funding Agreement but without suspension of the Funding Allocation shall be released to the Recipient upon subsequent compliance.
- 7) Completion of the authorized signature form (Exhibit A).
- 8) In general, payment shall be made on a reimbursement basis. A Funding Allocation Recipient may, upon submission of a Request for Advance Payment form (Exhibit B), receive an advance payment no more than 180 days in advance of the allocation schedule approved by the Board, for up to 25% of the value of the Building Better Communities General Obligation Bond funds awarded for the subject Project. All advance payments received by a Recipient shall be maintained in a separate interest bearing account and may not be co-mingled with other funds. All advances must be fully accounted for within one (1) year of the date of the approval and before subsequent reimbursement requests are paid. The recipient will be required to close the account and submit a check to the County for the interest earned accompanied by an Interest Earned on Advance Form (Exhibit C). Upon receipt of the check and supporting documentation all subsequent reimbursement requests can be paid. Checks must be made payable to Miami-Dade County Board of County

Commissioners and forwarded to the Office of the County Manager.

- 9) Recipients must submit reimbursement requests on a quarterly basis, December 31, March 31, June 30 and September 30. If a Recipient is unable to submit a reimbursement request by the quarterly deadline, a written justification indicating the reason for the delay and expected submission date is required to be submitted by the deadline. Failure to comply with this requirement shall render the Recipient in non-compliance with the Administrative Rules and may result in reduction or forfeiture of payment, at the discretion of the County Manager. Failure to submit two consecutive requests shall be deemed a forfeiture of all rights unless specifically waived by the County Manager. The Recipient must submit a written explanation for such delays in order to be considered for a waiver of this requirement and all such waivers shall be made at the sole discretion of the County Manager.
- 10) Recipients shall complete, sign, and submit to the County Reimbursement Request forms as necessary (Exhibits D through H). All Contractual Services/Direct Payment and Furniture, Fixtures & Equipment reimbursement requests must be accompanied by supporting documentation (i.e., copies of invoices, receipts and check payments).
- 11) Reimbursement requests for Furniture, Fixtures & Equipment items must be included and approved in the Funding Agreement prior to acquisition. Written requests for Furniture, Fixtures & Equipment approval must be accompanied by Exhibit H.
- 12) Ten percent (10%) of the value of the Building Better Communities General Obligation Bond funding for a given Project shall be retained by the County until the Project is complete for all projects in excess of \$100,000, unless otherwise recommended in writing by staff and approved by the Board. Upon completion of a Project, a signed project completion certificate (Exhibit I) must be submitted with the final reimbursement request forms in order for the retainer to be released.
- 13) The County Manager may require that reimbursement requests for any Funding Allocations requiring a cash match must be accompanied by documentation of the expenditure of committed match funds (i.e., copies of invoices, canceled checks, etc.).
- 14) Each Recipient will ensure that all contractors and consultants perform in accordance with the terms, conditions and specifications of their contracts or purchase orders and that all Federal, State and local contracting rules apply.
- 15) Each Recipient shall maintain an accounting system, which meets generally accepted accounting principles, and shall maintain all required financial records to properly account for all Building Better Communities General Obligation Bond funds and any supplemental funds used for the Project. The Recipient shall at all times maintain a separate accounting of all Building Better Communities General Obligation Bond funds.
- 16) Each Recipient shall be responsible for reporting, on a continuous, on-going basis, any contractual relationship established to perform work on the project, start dates, progress payments, completion dates, etc. in the system provided by the County.
- 17) The Recipient shall be responsible for completing the Project. If the total cost of the Project exceeds the value of the Funding Allocation, then the Recipient must provide any

supplemental funds required. In the event that supplemental funds are necessary for completion of a Project, as of the point in time that it is known that supplemental funds are needed, the Recipient must demonstrate that such supplemental funds have been committed to the Project prior to and as a condition of disbursement or further disbursement of Funding Allocations. The requirement for a Recipient to provide supplemental funds may be modified, in part or whole, by the Board, to the extent that it approves in writing any reduction to the Project scope of work in accordance with the Ordinance. Approval of any reduction in scope of work is at the sole discretion of the Board.

C) Acquisition Projects. Guidelines and requirements for administering Acquisition Project Funding Allocations are as follows:

- 1) **Appraisal Required.** Prior to acquisition of a Project site, a Recipient must obtain an appraisal or appraisals supporting the fair market value of the land to be acquired. Pursuant to State law, if the property is \$500,000 or less in appraised value, one appraisal is required. If the property exceeds \$500,000 in appraised value, two appraisals are required.
- 2) **Amount Authorized for Payment.** The amount of Funding Allocation authorized for payment for land acquisition shall in no case exceed the Funding Allocation available for such purpose. In the event that the negotiated acquisition price exceeds by ten percent or greater the appraised value of the land, the disbursement of Funding Allocation shall be conditioned upon a written justification for the purchase price and other conditions attendant to the proposed purchase, which justification is declared satisfactory by the Board in writing. Appraisal costs are eligible Funding Allocation costs as long as the appraised property is being realistically and seriously considered for Acquisition, regardless of the outcome.
- 3) **Environmental Survey.** The Recipient may not purchase property with Funding Allocation until a Phase I environmental survey is completed, which demonstrates that the property is suitable for its intended general use and for the specific Project.
- 4) **Signage.** For Acquisition only Projects, for six months following Acquisition, the Recipient shall post a sign, in the general design provided by the County, containing the Building Better Communities General Obligation Bond logo, identifying the source of Project funding. The cost of such a sign is eligible for payment from the Funding Allocation.
- 5) **Ownership.** Title to land acquired with Building Better Communities General Obligation Bond funds shall vest with a Public Agency or a legally incorporated 501(c)(3) Not-for-Profit Community Organization. Facilities constructed/developed with Building Better Communities General Obligation Bond funds shall vest with a Public Agency or a legally incorporated 501(c)(3) Not-for-Profit Community Organization.

D) Development Projects. Guidelines and requirements for administering Development Project Funding Allocations are as follows:

- 1) **Licensed Contractors; Contractor Bonds.** Duly licensed or registered contractors shall perform all construction. Construction contracts for work in excess of the threshold amounts established in Section 255.20 of the Florida Statutes should contain payment and performance bonds, which comply with the requirements of that Section.

2) Cost Elements.

- a) Construction Equipment. Recipients are required to use their own equipment, if available. If a Recipient's equipment is used, the maximum Funding Allocation payment shall cover operating and routine maintenance costs of such equipment; the Funding Allocation excludes any depreciation or replacement cost from payment. If an Applicant's equipment is used, a report or source document must describe the work performed, indicate the hours used and be related to the Project. If a Recipient does not have needed construction equipment available, then the Recipient may rent such equipment.
- b) Construction Supplies and Materials. Supplies and materials may be purchased for a specific Project or may be drawn from a central stock, providing they are claimed at a cost no higher than that which the Recipient paid. When supplies and/or materials are purchased with the intention of constructing a piece of equipment, structure or part of a structure, the costs that are charged as supplies and materials may be capitalized according to the Recipient's normal practice or policy. If capitalized, only the cost reasonably attributable to the Project may be claimed under the Project.
- c) Personnel or Employee Services. Services of the Recipient's employees who perform work directly related to the accomplishment of the Project are eligible costs. These costs must be computed according to the Recipient's prevailing wage or salary scales and may include fringe benefit costs, such as vacations, sick leave, FICA, MICA, health and life insurance, and workers compensation at the Recipient's established fringe benefit rate. Costs charged to the Project must be computed on the basis of actual time spent on the Project, and supported by time and attendance records describing the work performed on the Project. Overtime costs may be allowed under the Recipient's established policy, provided that the regular work time was devoted to the same Project. Salaries and wages claimed for employees working on Allocation-funded Projects must not exceed the Recipient's established rates for similar positions. Alternative methodologies for established wage rates must be pre-approved by the Board.
- d) Consultant Services. The costs of consultant services necessary for the Project are eligible. The Recipient must pay consultants according to the Recipient's customary or established method and rate. No consultant fee may be paid to the Recipient's own employees.

3) Cost Activities.

- a) Construction activities. The cost of all necessary construction activities, from site preparation (including demolition, survey, excavation and other site work) to the completion of a structure is eligible for payment from the Funding Allocation.
- b) Fixtures, Furnishings and Equipment (FF&E). The cost of fixtures, furnishings and equipment necessary to operate the facility are eligible if approved in the Funding Agreement prior to acquisition (See Section 9B11). Consumable goods shall not be considered eligible. (Please refer to Section 4 for a detailed definition of FF&E)
- c) Interpretive Signs and Aids. The cost of signs, display boards or other interpretive aids

relating to the Project are eligible.

- d) Signage. During the time period of Development, the Recipient shall post a sign at the Project site, in the general design provided by the County, containing the Building Better Communities General Obligation Bond logo, identifying the source of funding for the Project. The cost of such a sign is eligible for payment from the Funding Allocation.
 - e) Recipients are encouraged to use value-engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.
- 4) The following is a nonexclusive list of ineligible costs:
- a) Funding Application costs.
 - b) Ceremonial expenses.
 - c) Expenses for publicity.
 - d) Bonus payments unless specifically authorized by the Board of County Commissioners.
 - e) Charges in excess of the lowest responsive and responsible bid or proposal in accordance with the governing rules and procedures of the Recipient, when the law requires the Recipient to utilize competitive selection.
 - f) Charges for deficits or overdrafts.
 - g) Charges incurred contrary to the policies and practices of the Recipient.
 - h) Interest expense (May be reimbursed at the discretion of the Board if incurred during the construction period and is attributable only to the construction period)
 - i) Litigation expenses or judgments, except for those awards resulting from an eminent domain taking.
 - j) The cost of services, material or equipment obtained under any other program.
 - k) Costs of discounts not taken.
 - l) The cost of purchasing a non-refundable option when acquiring land.

E) Budget Changes.

- 1) Recipients shall adjust their Project budgets to reflect actual costs and updated cost estimates and shall submit adjusted Project budgets to the Manager with the project completion certificate.
- 2) Budget adjustments may not exceed the 17% limitation for design, planning, and program administration, nor exceed the total budget award allocation, without approval of the Board.
- 3) Recipients shall obtain the prior written approval of the Manager for whenever budget adjustments are anticipated as outlined in a and b, below, and approval of the Board whenever budget adjustments are anticipated as outlined in c, below. The request must be in the same budget format the Recipient used in the Agreement and shall be accompanied by a narrative justification for the proposed revision. Such request for adjustment shall, if approved, amend the Funding Agreement. Requests for budget changes shall be considered whenever any of the following adjustments are required:
 - a) For any Project involving both Acquisition and Development activities, any proposed budget transfers from Acquisition to Development or vice versa.

- b) Any proposed reduction or revision of the scope or objectives of the Project (regardless of whether there is an associated budget adjustment) that substantially changes the original intent of a project. However, in the event that a Recipient has completed the approved scope of work for a project and has unexpended funds, the Recipient may submit a request to the County Manager's Office to expend these funds in an existing or new budget line item for the project. The Manager is authorized to approve such budget changes and expenses not to exceed 15% of the total budget.
- c) Any change that would increase planning, design, and program administration in the aggregate total.

F) **Cost Overruns.** During the execution of work on a Project, the Recipient may find that actual Project costs exceed the approved budget. For cost overruns that will require additional funding for the Project, or otherwise require a budget adjustment for which prior Board approval is required pursuant to paragraph E above, the Recipient shall:

- 1) Provide a justification for the additional costs;
- 2) Identify available funds for the completion of the Project; and, if necessary
- 3) Request from the Board a reduction in the Project scope consistent with the terms of the Ordinance.

The Board, at its discretion, may authorize in writing a reduction in the scope of the Project: (i) where reduction of the scope is consistent with the Ordinance; and (ii) where the reduction is justified by the Recipient; and (iii) where the Recipient does not have sufficient funds to complete the Project with the available funds. Under those circumstances, the Board, in its sole discretion, may identify other funds available under the Ordinance for the Project.

SECTION 10. COMPLIANCE RESPONSIBILITIES

The following constitute general requirements for program compliance:

- A) An annual independent audit of the Building Better Communities General Obligation Bond funds must be submitted by all Recipients to the County Manager's Office by June 1st, following the fiscal year for which the audit was performed. An audit must be submitted from all funded Recipients, even if they did not submit or receive reimbursements during the fiscal year. The audit report must include the Fund Summary Status Report, Exhibit J. The audit must be performed by certified independent auditors and include the following:
 - 1) Test for compliance with the Funding Agreement, Miami-Dade County Ordinance No. 05-47, applicable resolutions and the Building Better Communities General Obligation Bond Administrative Rules.
 - 2) Test to verify compliance with advance requirements.
 - 3) Sufficient tests, as determined by the independent auditor to verify true and accurate reflection of project expenditures.

- 4) Tests to verify expenditure of required match dollars.
 - 5) Verification of the Fund Summary Status Report.
- B) Land and facilities acquired, developed, improved or rehabilitated by Funding Allocation shall be dedicated and maintained in perpetuity for the use and benefit of the general public except where leases are in effect. Any land, facilities, or equipment acquired with Building Better Communities General Obligation Bond funds may not be sold or transferred without the written consent of the County and may require an equitable reimbursement of bond funding based on residual value. All projects shall be open to the public at reasonable times and shall be managed in a safe and attractive manner appropriate for public use.
- C) Funding Allocation for the purposes of development, improvement, rehabilitation or restoration shall be expended for these purposes only on lands owned by a Recipient or on lands for which the Recipient holds a lease or other use agreement. Such lease or other use agreement must be for an unexpired term of 25 years. The Funding Allocation Recipient may demonstrate the eligibility of the Project to the reasonable satisfaction of the Board, through a joint ownership, use, franchise or other agreement, evidencing that the lands and/or the Project will be utilized for the public benefit, consistent with the terms of this Ordinance, for a term of at least 25 years in duration. The lease must not be revocable at will.
- D) Recipient shall maintain all financial and programmatic records, supporting documents and other records pertinent to the Funding Allocation for a period of three years from the starting date defined below. If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the three year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three year period, whichever is later. When Funding Allocation support is continued or renewed at annual or other intervals, the retention period for the records of each funding period starts on the day the Recipient submits to the County its single or last expenditure report for that period. In all other cases, the retention period starts on the day the Recipient submits its final expenditure report.
- E) The Board and the County, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers or other records of the Recipient in order to make audits, examinations, excerpts and transcripts.
- F) If a Recipient materially fails to comply with any term of an award, the Board or the County Manager may take one or more of the following actions, as appropriate in the circumstances:
- 1) Temporarily withhold cash payments pending correction of the deficiency by the Recipient.
 - 2) Disallow all or part of the cost of the activity or action not in compliance.
 - 3) Wholly or partly suspend or terminate the current award for the Recipient's program.
 - 4) Withhold further Funding Allocation awards from the Recipient, or
 - 5) Take other remedies that may be legally available.

- G) Any of the enforcement actions listed in paragraph F above, taken by the Manager, which are contested and unresolved between the Recipient and the County within thirty days of such action, will result in the Board providing the Recipient with an opportunity to be heard on the issue. Said hearing will occur within sixty days of the Board receiving the Recipient's written request. Staff will recommend appropriate action to the Board.
- H) Costs of Recipient resulting from obligations incurred by the Recipient during a suspension or after termination of an award are not allowable unless the Manager expressly authorizes them in the notice of suspension or termination or subsequently authorizes them in writing. Other Recipient costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:
 - 1) The costs result from obligations which were properly incurred by the Recipient before the effective date of suspension or termination, are not in anticipation of it, and in the case of a termination, are non-cancelable; and
 - 2) The costs would be allowable if the award was not suspended or if the award expired normally at the end of the funding period in which the termination takes effect.
- I) Inspections. Staff of the Board or the County, or both, shall periodically inspect each Project to ensure compliance with these rules, the Ordinance, and the Funding Agreement. Staff shall perform an inspection of the Project site to ensure compliance prior to release of the final Funding Allocation payment.

SECTION 11. QUARTERLY REPORTS

Recipients are required to submit the Project Status Report on a quarterly basis, in the format stipulated by the Manager. Additional reports that shall be due upon request of the Manager may include, but are not limited to:

- A) Actual accomplishments of each Funding Allocation
- B) Problems encountered in implementation of each Funding Allocation
- C) Anticipated start and/or completion dates of each Funding Allocation

Recipient may be required to meet with the Board to discuss the Project.

SECTION 12. PROJECT CLOSE-OUT

- A) A Recipient has up to forty-five (45) days after the expiration or termination of the Funding Allocation to submit all final documentation including final reimbursement requests and project completion certificates.
- B) The close-out of a Funding Allocation does not affect:

- 1) The County's right to disallow costs and recover funds on the basis of a later audit or review;
 - 2) The Recipient's obligation to return any funds due as a result of later refunds, corrections or other transactions;
 - 3) Records retention responsibilities set forth above;
 - 4) Continuing responsibilities set forth in the Ordinance and these rules;
 - 5) Audit rights set forth in these rules.
- C) Any amounts paid to Recipient, in excess of the amount to which the Recipient is finally determined to be entitled under the terms of an award, constitute a debt to the County. If not paid within a reasonable period after demand, the County may reduce the debt by:
- 1) Making an administrative offset against other requests for reimbursement;
 - 2) Withholding payments otherwise due to the Recipient; or
 - 3) Taking other action provided by law.

Any overdue debt of the Recipient shall accrue interest at the maximum rate allowed by law.

SECTION 13. INTERPRETATION; ADMINISTRATION

These administrative rules have been promulgated under the Ordinance. In the event of a conflict between these rules and the provisions of the Ordinance, the Ordinance shall prevail.

The Manager shall be authorized to interpret the provisions of these administrative rules and their interpretation of any matters governed hereby shall be final and may only be overturned by a majority vote of the Board. The Manager shall submit recommendations amending these administrative rules to the Board, which may approve or reject such recommendations by majority vote.

The Manager shall be authorized and required to administer the Building Better Communities General Obligation Bond Program consistent with the Ordinance and these administrative rules.

APPENDIX A

Empowerment Zone Trust Board
Task Force on Urban Revitalization
Metro Miami Action Plan Trust
Beacon Council

Dade Heritage Trust
Historic Preservation Board

Alliance for Human Services
Dade Community Foundation

Office of Countywide Health Care Planning